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18 April 2016

To: Chief, D14

From: Investigator [redacted]

Subject: Computer Misuse [redacted]

File No: IV-15-0036

Precedence: Routine

Purpose: To provide a summary report of investigation and to refer this matter to the Chief, Maryland Procurement Office (B3P); and the Associate Directorate for Security and Counterintelligence - Contractor Clearances (Q232) and Special Actions (Q242), for review and any action deemed appropriate:

Details:

I. (U) Background:

(U//~~FOUO~~) On 13 March 2015, the NSA/CSS Office of the Inspector General (OIG) received an anonymous complaint alleging that [redacted] (formerly [redacted]) was misusing the unclassified NSA/CSS Information System (IS) by doing homework and conducting other personal activities. [redacted] is a contractor affiliate employed by [redacted] a subcontractor. She is a Software Configuration Manager supporting the [redacted] contract [redacted] in [redacted]. On 30 April 2015, the OIG initiated an investigation into [redacted] suspected misuse of the unclassified NSA/CSS IS.

II. (U) Allegation:

(U//~~FOUO~~) Did [redacted] a contractor affiliate supporting the [redacted] contract in [redacted] misuse the unclassified NSA/CSS IS by performing non-contract-related personal activities in violation of NSA/CSS Policy 6-4?

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Approved for Release by NSA on 09-01-2020, FOIA Case # 85643 (litigation)

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~**III. (U) Applicable Standard(s):**

(U//~~FOUO~~) NSA/CSS Policy 6-4, *Contractor Use of NSA/CSS Information Systems and Resources*, dated 22 October 2013

IV. (U) Investigative Activity:**A. (U//~~FOUO~~) Analysis of Routine Monitoring of [REDACTED] Unclassified NSA/CSS IS Activity:**

(U//~~FOUO~~) In response to the anonymous complaint, the OIG obtained a network activity report detailing [REDACTED] activity on the unclassified IS for a 60-day period (28 February 2015 – 28 April 2015). The report revealed that the user account bearing [REDACTED] NSA/CSS Standard Identification (SID), [REDACTED] was detected utilizing the unclassified IS to access her University of Maryland University College (UMUC) student account to conduct work related to a [REDACTED] course in which she was enrolled. Additionally, [REDACTED] regularly accessed her personal email account (xxx@yahoo.com).

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(U//~~FOUO~~) Upon further review, it was determined that [REDACTED] activity consisted of checking her UMUC account for course-related assignments, completing assigned coursework, participating in online discussions with classmates, and researching topics related to course subject matter. Additionally, the report revealed that [REDACTED] regularly accessed her personal email account to read and respond to personal email.

(U//~~FOUO~~) Finally, during the forty-two (42) business days captured during the analysis period, it was determined that [REDACTED] was active on the unclassified network for a total of nearly ninety-five (95) hours. Of that time, it was estimated that [REDACTED] engaged in non-contract related activity, as described above, for a total of seventy-five hours (75).

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(b) (6)**B. (U) Interview(s):**

(U//~~FOUO~~) On 4 December 2015, [REDACTED] System Configuration Manager, was interviewed and provided the following sworn testimony:

(U//~~FOUO~~) [REDACTED] has access to, and uses, the unclassified IS for work-related for purposes such as research, reviewing and learning new software tools (she reads up on them for familiarization). Her company was recently undergoing a transition related to the contract and tool sets, and she used the unclassified IS to familiarize herself with the new software tools.

(U//~~FOUO~~) [REDACTED] does not recall [REDACTED] ever providing her with formal guidance regarding use of the unclassified IS, though she acknowledges that it may have been included with the "slew of paperwork" she received when starting her employment with [REDACTED]. She stated that if there was any guidance at all, it certainly was not emphasized. She does not recall ever seeing any specific guidelines regarding any prohibitions against visiting certain websites, though she is aware that activities such as searching for and accessing pornographic material and

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gambling is understandably forbidden. She feels that it "goes without saying" that a user of the NSA/CSS unclassified IS is permitted to use the unclassified system to check personal email when time permits. [redacted] stated that guidelines for use of the unclassified IS were not defined by [redacted] and she does not recall that information being provided to her, if in fact it ever was.

(U//FOUO) [redacted] stated that she does use the unclassified IS for personal use. [redacted] is a single parent and as such uses the unclassified IS to access her personal email account (Yahoo!) to check for emails concerning her children, such as teacher communications, school delays, etc. She also used the unclassified IS to research flight information for a visit from her mother. Until recently, her office had only one unclassified telephone line which was shared with her coworkers for both personal and business use. This made it difficult for her to receive personal phone calls. [redacted] also stated that she is currently a student at the University of Maryland University College (UMUC) and uses the unclassified IS to check her UMUC account. She stated that she rarely does anything other than check her email and UMUC account. All of her UMUC classes were online so that is how she would interact with her classmates and instructor. She would access the account to check for discussion questions and assignments. [redacted] stated that she is taking a [redacted] course. [redacted] is paying the cost of [redacted] continuing education. [redacted] stated that [redacted] did not explicitly grant her permission to conduct course-related work during her duty hours, or dictate any other conditions under which she could conduct such activity. She stated that she would access the unclassified IS when time permitted, such as during her lunch break or when she had free time. Though the course would enhance her ability to do her job, she was taking the course in her personal capacity rather than as a condition of employment with [redacted].

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(U//FOUO) [redacted] stated that she has completed coursework related to her class while at work, such as engaging in online class discussions and writing papers.

(U//FOUO) [redacted] acknowledged that she is aware that Agency IS's are monitored and that her use of Agency IS's constitutes consent to monitoring. She further acknowledged that she now has a better understanding of the Agency's policy regarding contractor use of the unclassified IS. She stated that she did not feel as though her use of the unclassified IS was so excessive that it affected her ability to do her job considering the amount of downtime she might have throughout any given workday.

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V. (U) Analysis:

(U//FOUO) The network activity report detailing [redacted] activity on the unclassified NSA/CSS IS confirmed that [redacted] used the unclassified IS to conduct personal, non-contract related activities. Specifically, [redacted] utilized the unclassified IS to access her UMUC student account to conduct work related to a [redacted] course, such as: checking her student account for course-related assignments, completing assigned coursework, participating in online discussions with classmates, and researching topics related to course subject matter. Additionally, [redacted] also regularly accessed her personal email account to read and respond to personal email. [redacted] confirmed these facts during her interview with the OIG by admitting that she was enrolled in an online [redacted] course and that she would access her

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student account from the unclassified NSA/CSS IS to check her UMUC account for assignments and communications from her instructor, to complete coursework, and to participate in online discussions.

(U//FOUO) [redacted] is employed by [redacted] and is an NSA/CSS contractor affiliate supporting the [redacted] contract in [redacted] as a Software Configuration Manager. In this capacity, [redacted] is an authorized user of the NSA/CSS classified IS. As such, NSA/CSS Policy 6-4, *Contractor Use of NSA/CSS Information Systems and Resources* applies to her use of the unclassified NSA/CSS IS. NSA/CSS Policy 6-4 specifically limits contractor use of NSA/CSS ISs to the performance of tasks authorized by contract, approved by the Contracting Officer, and permitted by the policy itself.¹ Per Paragraph 9 of the policy², contractor affiliates are prohibited from using NSA/CSS ISs for personal use “except for brief, infrequent communications to deal with urgent matters.” This limited exception to the personal use prohibition applies only when:

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- a. (U) Unavoidable personal matters arise such as, but not limited to, contacting a spouse, dependent family member, or other individuals responsible for a dependent’s care; scheduling a physician’s appointment; or vehicle maintenance;
- b. (U) The communication does not adversely affect the NSA/CSS mission or reflect poorly on NSA/CSS;
- c. (U) The communication does not result in other than minimal expense to the Government (e.g., the call is local, toll-free);
- d. (U) Time spent using the NSA/CSS IS or resource is not billed to the contract; and
- e. (U) The use is not associated with personal business activities outside the scope and purpose of the contract.

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(U//FOUO) During the period 28 February 2015 – 28 April 2015, [redacted] utilized the unclassified NSA/CSS IS and workstation to 1) access her UMUC student account to conduct work related to a [redacted] course; and 2) to access her personal email account to read and respond to personal email. These activities were personal in nature and conducted using the unclassified NSA/CSS IS, which is inconsistent with NSA/CSS Policy 6-4’s limited exception to the personal use prohibition. Specifically, conducting activities related to a [redacted] course cannot be characterized as unavoidable personal matters requiring her immediate attention; rather, they were activities outside the scope and purpose of her contract that could have been conducted during her personal, off-duty time. However, though a contractor accessing a personal email account to read and respond to emails can be construed as a violation of NSA/CSS Policy 6-4, the OIG has determined that in [redacted] case, doing so falls within the scope of activity that might be considered an unavoidable personal matter as [redacted] activity was primarily related to the care and welfare of her children.

¹ See NSA/CSS Policy 6-4, Paragraph 1, dated 22 October 2013;

² See NSA/CSS Policy 6-4, dated 22 October 2013;

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(U//~~FOUO~~) The OIG finds that a preponderance of the evidence exists to support the conclusion that, during the period 28 February 2015 – 28 April 2015, [redacted] used the unclassified NSA/CSS IS for non-contract-related personal use to access her University of Maryland University College student account to conduct activity related to a [redacted] course in violation of NSA/CSS Policy 6-4.

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VI. (U) Response to Tentative Conclusion:

(U//~~FOUO~~) The tentative conclusion was provided to [redacted] on 28 March 2016. On 11 April 2016, [redacted] acknowledged the tentative conclusion, but provided no new information or mitigation that would impact our analysis. Thus, our preliminary conclusion became final.

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VII. (U) Conclusion(s):

(U//~~FOUO~~) **Substantiated.** The preponderance of the evidence supports the conclusion that, during the period 28 February 2015 – 28 April 2015, [redacted] used the unclassified NSA/CSS IS for non-contract-related personal use to access her UMUC student account to conduct work related to a [redacted] course, in violation of NSA/CSS Policy 6-4.

*** (U//~~FOUO~~) This report is property of NSA and may not be disseminated further without specific approval of the NSA OIG and the Office of the General Counsel (OGC). Furthermore, the information in this report cannot be used in affidavits, court proceedings, subpoenas, or for other legal or judicial purposes without prior OIG and OGC approval.**